

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEROME KNIGHT,
Petitioner,

No. 5:06-cv-105

-v-

HONORABLE PAUL L. MALONEY

SHIRLEE HARRY,
Respondent.

ORDER HOLDING PETITION IN ABEYANCE

Petitioner Knight, through counsel, filed a habeas action under 28 U.S.C. § 2254. Petitioner raises a single issue, that a *Batson* violation occurred at trial. On February 23, 2010, the magistrate judge issued a report recommending the action be dismissed. Petitioner timely filed objections on March 3. On March 31, 2010, Judge Denise Paige Hood, in the Eastern District of Michigan, granted a petition for a writ of habeas corpus in *Rice v. White*, No. 1:06-cv-11610, slip op. (E.D. Mich. March 31, 2010). The petitioner in that case, Gregory Rice, was Petitioner Knight's co-defendant. Judge Hood granted the petition on the basis of Mr. Rice's *Batson* challenge. The State of Michigan has filed an appeal.

Because the factual and legal bases for the *Batson* challenge in the two cases are identical, this action is **HELD IN ABEYANCE** pending the outcome of the appeal in *Rice v. White*. **IT IS SO ORDERED.**

Date: April 28, 2010

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge